

## **PURPOSE**

Michigan Department of Health and Human Services (MDHHS) will provide interpreter or translation services for individuals with limited communication skills, including speaking, hearing, reading or writing the English language in a language or method understood by the involved parties.

## **DEFINITIONS**

### **Limited English Proficiency (LEP)**

Limited English Proficiency is a limited ability or inability to speak, hear, read, write, or understand the English language at a level that permits the person to interact effectively with service providers.

### **Interpreter**

An interpreter is an individual fluent in a language other than commonly spoken English. This includes individuals fluent in manual sign language, as well as an individual fluent in a foreign language.

### **Certified Interpreter**

A certified interpreter is an individual in possession of a credential awarded by a national registry, or an individual whose testimony is accepted in a court of law.

### **Oral or Written Translation**

Oral or written translation is the verbal reading or writing of a document written in one language and translated into another language.

### **Telephone-Based Interpreting**

Telephone-based interpreting is a form of remote interpreting that offers the delivery of interpreter services through telephone technology. The interpreter is at a different physical location than the consumer/service provided encounter. Telephone interpreting allows for an audio connection among the consumer, MDHHS personnel, and interpreter. For the most effective communication among all of the parties, telephone interpreting is best conducted with auxiliary telephone equipment, such as a dual headset or speakerphone.

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### **Videoconferencing Interpreting**

Videoconferencing interpreting is a form of remote interpreting that offers the delivery of interpreter services through videoconferencing technology. In this format, the interpreter is not physically present where the consumer encounters the service provider. Videoconferencing units show a visual image of the consumer and provider to the interpreter and a visual image of the interpreter to the consumer and provider, along with an audio connection of their exchange.

### **POLICY**

MDHHS must provide services to all consumers who are LEP within a reasonable time, and at no cost to the consumer, during the delivery of all significant treatment, legal procedures and when obtaining informed consent.

### **HOSPITALS AND FACILITIES**

At the time of admission, the facility serving the consumer must provide written information of the individual's right to receive services from competent interpreters or translators. The types of services requiring interpretation or translation services, include, but are not limited to:

- Providing emergency medical services.
- Obtaining medical histories.
- Explaining any diagnosis and planning for medical or psychiatric treatment.
- Participation in the person-centered planning process.
- Explaining patient rights and responsibilities.
- Explaining the use of seclusion and restraints.
- Obtaining informed consent.
- Discussing advance directives.
- Obtaining financial and insurance information.

- Providing medication instructions and explanation of potential side effects.

If the individual's primary language is determined to be other than English, the facility must indicate that language in the individual's medical record so that all staff and service providers can readily identify the individual's language assistance needs.

When interpreters must be used to ensure the accuracy of the testimony when interpreters or translators are required for legal proceedings.

Family or friends of patients cannot be officially used as the interpreter or translator, unless the consumer refuses the services offered by the hospital/center. If friends, family members, or minor children are utilized for interpreter or translator purposes, the appropriate hospital/centers staff must immediately evaluate whether using family or friends to interpret or translate will compromise the effectiveness of the service or the individual's right to confidentiality.

Designated facility staff will review at least annually the special communication service needs of the facility and will allocate resources to provide for projected needs during the coming year.

Acceptable methods for the provision of interpreter services include, but are not limited to, the following:

- In-person interpreting.
- Telephone-based interpreting.
- Video-conferencing interpreting.

Consideration for determining the appropriate model for the delivery of interpreter services includes the critical nature of the clinical interaction, availability of trained in-person interpreters, and the technology available. Additional considerations, such as the shortest wait times for patients and clinicians and the most cost-effective use of personnel and contracted agencies, will also be considered.

Notices will be posted at each Hospital/Center that:

- Inform consumers of their right to free interpreter or translation services.
- Invite the consumers to identify themselves as persons needing language assistance.

- Designate the facility person, by name, who has primary responsibility for the coordination of interpreter or translation services.

All hospitals/centers shall maintain an ongoing listing of interpreter or translation resources that can be contracted to provide effective communication to LEP persons.

### **Facility Director**

The facility director will ensure that all individuals are provided an equal opportunity to benefit from services offered at the facility, and ensures information and treatment are provided in a language or method in which all consumers can understand.

The facility director will also designate a primary contact for coordination of interpreter and translation services.

### **Designated Facility Staff**

Designated facility staff will perform the following tasks:

- Ensure notices are posted within the facility to inform consumers of the right to an interpreter or translator.
- Ensure individuals are provided with written information of the right to receive services from competent interpreters or translators.
- Ensure individual's medical record contains readily available information to identify the consumer's language assistance needs.
- Ensure interpreters or translators required for legal proceedings are certified for accuracy of testimony.
- Ensure special communication service needs are reviewed at least annually and allocates resources to provide projected needs during the coming year.

## **PROCEDURE**

### **MDHHS Employees**

When a MDHHS employee determines a need for over-the-phone interpretation service contact the Bureau of Purchasing.

Interpretation services provides languages in Spanish, Chinese (Mandarin and Cantonese), French, Japanese, Polish, Russian, Vietnamese, Armenian, Cambodian, German, Haitian Creole, Italian, Korean, Portuguese, Farsi, Tagalog, Thai, Urdu and other languages.

## REFERENCES

[42 CFR 2000d](#)

[45 CFR 80.3](#)

[Michigan Department of Health and Human Services \(MDHHS\)/Inside MDHHS/Legal/Equal Opportunity](#)

[Michigan Department of Civil Rights](#)

[Michigan Disability Resources/Complaint Process](#)

[Department of Homeland Security Office for Civil Rights and Civil Liberties; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#)

[U.S. Department of Health and Human Services, OPHS Office of Minority Health; National Standards for Culturally and Linguistically Appropriate Services in Health Care](#)

## CONTACT

For additional information concerning interpretation and translation services, visit the Bureau of Purchasing website at [Inside Michigan/About MDHHS/Offices and Departments/Bureau of Purchasing](#).